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Director's Office
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**WILLIAM W. HAEFLIGER
SUITE 512
201 SO. LAKE AVE.
PASADENA, CA 91101**

In re Application of :
Morris F. Dilmore, et al. :
Application No. 10/039,811 :
Filed: January 8, 2002 :
Attorney's Docket No. 12,105-1 :

DECISION ON PETITION

This is a decision on the Request For Withdrawal Of Notice Of Abandonment, received in the United States Patent and Trademark Office (USPTO) on March 5, 2004, which is being treated as a Petition To Withdraw Holding Of Abandonment under 37 CFR 1.181. A Second Request For Withdrawal Of Abandonment was received on July 1, 2004

The application was held abandoned for failure to timely pay the issue fee as required in the Notice of Allowance and Fee(s) Due, mailed September 23, 2003, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed on February 25, 2004.

The petition is **DISMISSED**. The Second Request For Withdrawal Of Abandonment, received on July 1, 2004, submitted due to no reply to the original Request is set aside a moot.

Petitioner has submitted copy of the Issue Fee Transmittal, the check in the amount of \$1,600 and the postcard receipt, which acknowledges receipt of the afore-mentioned documents on July 17, 2003.

The Office acknowledges receipt of Part B – Fee(s) Transmittal on July 17, 2003, which is present in the application file and the check for \$1,600. However, a new Notice Of Allowance And Fee(s) Due, with Part B – Fee(s) Transmittal, Notice of Allowability, Determination of Patent Term Adjustment, Notice of Fee Increase and the Examiners statement attached therewith, was mailed on September, 23, 2003.

Petitioner's attention is directed to the first page of the Notice of September 23, 2003, which states in bold print:

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THE APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

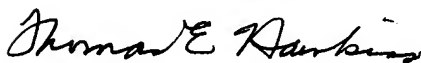
Although, the Notice indicates that \$0 fee(s) is due, the applicant was required to return the Notice or the application would be regarded as abandoned. The applicant did not return the Notice as instructed, and as a result thereof, the proper abandonment of the application.

Petitioner may seek relief by filing a Petition for Revival of Abandoned Application under 37 CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

Further correspondence with respect to the Petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 703-305-9282 or as follows:

By mail: Commissioner for Patents
 P O Box 1450
 Mail Stop Petitions
 Alexandria, VA 22313-1450

Telephone inquires concerning this decision may be directed to the undersigned at 703-305-8380.



Thomas E. Hawkins
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